

RECEIVED IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION  
2007 FEB 15 P 11: 50

EDRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

C&J Associates Pest Control,

CURTIS DUNCAN

Plaintiff,

VS.

CV-06-884-MEF

BOB RILEY  
DRAYTON NABERS  
JAMES MAIN  
TROY KING  
KATHY SAWYER  
COURTNEY TARVER  
JUNE LYNN  
JUDY COBB  
RAY BRESSLER  
JOHN BLOCH  
JOE DEBROW  
BRUCE ALVERSON  
LINDA SHELTON  
KNOX PEST CONTROL  
et al.  
DEFENDANTS

PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE JUDGES'S  
RECOMMENDATIONS

Comes now Plaintiff Curtis Duncan, Sole Proprietor/Owner D.B.A. C & J Associates Pest Control respectfully objects to the Magistrate Judge Wallace Capel, Jr. Recommendation because it is contrary and erroneous to the material facts filed in the civil docket. Also the Magistrate Judge Recommendation is contrary and or erroneous to the Federal Rules and Procedures and existing law. In order to properly

review Plaintiff Motion for Default the entire civil docket must be reviewed.

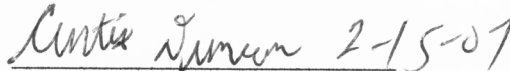
By reviewing the entire civil docket, it shows that the Defendants June Lynn, Judy Cobb, Courtney Tarver summons were served on October 6, 2006 and answer was due on October 26, 2006 (Doc. #5). Defendants Kathy Sawyer and Ray Bressler summons were served on October 5, 2006 and answer was due on October 25, 2006 (Doc. #7). The Defendants attorney Benjamin Albritton filed a Motion for Extension of Time to file Response/Reply for Lynn, Cobb, Bressler, Sawyer, Tarver and Troy King on October 27, 2006 (Doc. #16). Attorney Albritton filed (Doc. #16) late beyond the due dates of October 25, 26, 2007 for the summon answer. Attorney Albritton gives no answer why he filed his Motion for Extension late. Defendant King was issued a summons on October 4, 2006 (Doc. #2) the same day as the other Defendants. Defendant King avoided being served his summons until November 2, 2006 (Doc. #23) for 28 days. The docket record shows that Attorney General Troy King, Deputy Attorney General Courtney Tarver was mailed a CMRRR with a copy of the complaint on October 4, 2006 (Doc #2). The docket clearly shows Attorney Albritton and King knew when Mr. Albritton filed (Doc. #16) that King was a Defendant in this lawsuit. A litigant can not avoid been served a summons. Attorney Albritton filed a Response to the Show Cause Order on February 2, 2007 (Doc. #65) stating that the response due date was inadvertently and erroneously placed on his calendar as November 21, 2007 when in fact he requested November 17, 2007 and the Court granted him November 17, 2007. The other government officials who are also Defendants in this lawsuit had the same due date of November 17, 2007 as Attorney Albritton clients. Attorney Albritton stated in (Doc. #16) that his clients and the other Defendants need more time to prepare a joint defense Attorney Albritton once again file his response late by three days. It is apparent after reviewing the docket record that Attorney Albritton and his clients do not have a meritorious defense and have in bad faith established a pattern of filing their response to the summons late twice. These are the same Defendants who have obstructed Plaintiff from viewing a public bid file for

over two years and their Attorney Albritton who also failed to attend the Court Ordered Parties Meeting of January 12, 2007.

Defendant Bruce Alverson summons was issued on October 3, 2006 (Doc. #2). Mr. Alverson was served on October 10, 2006 his response due on October 30, 2006 (Doc. #9). Attorney William Alverson filed his father response late on October 31, 2006 asking for an extension of time until November 17, 2006 (Doc. #20). Attorney Alverson states in his Motion for an Extension of Time that he needed to coordinate a joint defense with the other Defendants. Attorney Alverson displayed no due diligence to file his future motions on time. It is clear from docket records that all the Defendants asked for an extension of time so they could develop a united defense, yet Mr. Alverson claims he did not know the Court had ordered all the Defendants to file their response by November 17, 2007. Also it is mandatory that all attorneys be registered in accordance with General Order 04-3164 to Electronic Noticing in the Middle District of Alabama. Attorney Alverson have clearly demonstrated that that his client does not have a meritorious defence and have in bad faith established a pattern of filing his response to the summons late twice. Attorney Alverson failed to attend the Court Ordered parties Meeting of January 12, 2007 and the Court Ordered Scheduling Conference on January 29, 2007.

Wherefore, premises considered, the Plaintiff respectfully request your Honor reconsider your Recommendation (Doc. #66). Because of the aforementioned reasons and good cause; Plaintiff respectfully ask the Magistrate Judge to issue new Recommendation for Default Judgment in favor of Plaintiff.

Respectfully submitted

 2-15-07

Curtis Duncan  
Plaintiff, Pro Se  
C&J Associates, Pest Control



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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2007, I have served a true correct copy of the above and foregoing by first class, United States mail, properly address and postage prepaid, or hand delivered on defendants as follow:

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Curtis Duncan 2-15-07

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